

Volume: I

Pages: 1 - 120

Exhibits: See Index

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11193NG

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SHAWN DRUMGOLD,

PLAINTIFF

VS.

TIMOTHY CALLAHAN, ET AL,

DEFENDANTS

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DEPOSITION of RALPH C. MARTIN, II, a witness called on behalf of the Plaintiff, pursuant to the provisions of the Federal Rules of Civil Procedure, before Nancy M. Walsh, Certified Shorthand Reporter (#118593)/ Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the law office of Tommasino & Tommasino, Two Center Plaza, Boston, Massachusetts 02108, on Monday, February 26, 2007, commencing at 8:14 a.m.

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P R O C E E D I N G S

(Document marked Exhibit No. 208 for  
identification.)

RALPH C. MARTIN, II,

a witness called for examination, having duly sworn or  
affirmed to tell the truth, testified as follows:

**DIRECT EXAMINATION BY MR. REILLY:**

Q Good morning. Could you identify yourself for the  
record?

A Ralph, middle initial C, Martin, II.

Q Mr. Martin, my name is Michael Reilly. I represent Shawn  
Drumgold. For your purposes, maybe it will make sense if  
we go around the table so you can get an idea of who's  
representing who.

MS. HARRIS: Mary Jo Harris representing  
Timothy Callahan.

MR. WHITE: William White representing the  
Estate of Paul Murphy.

MR. ROACHE: Good morning, Mr. Martin. John  
Roache representing the City of Boston and former Police  
Commissioner Francis M. Roache.

1           there, I spent most of my six and a half years in what  
2           started out as the Major Frauds Unit of the U.S.  
3           Attorney's office and ended up becoming the Economic  
4           Crimes Division.

5           Q    Did you have any title or rank in the U.S. Attorney's  
6           office?

7           A    I was just an Assistant United States Attorney.

8           Q    Who was the head of the Major Fraud Commerce Crimes Unit?

9           A    At first, it was Brackett Denniston, III or IV, I don't  
10          remember. Then it was Peter Mullen.

11          Q    At some point during your tenure as a United States  
12          Attorney, did you get involved in an investigation  
13          arising from the shooting of Carol Stuart on October 23,  
14          1989?

15          A    Yes, I did.

16          Q    What was your role in that investigation?

17          A    I was the prosecutor who led the investigation working  
18          with the FBI agents.

19          Q    What was it that was being investigated?

20          A    Allegations of civil rights violations in connection with  
21          the Boston Police Department's investigation of Carol  
22          Stuart's murder.

23          Q    Was that an investigation where members of the Boston  
24          Police Department were the target of the investigation?

1 MS. HEALY SMITH: Objection. This, as you  
2 know, and I'll just give my speech now, Mr. Martin is  
3 testifying pursuant to an authorization by the U.S.  
4 Attorney under the so-called Touhy, T-o-u-h-y,  
5 Regulations, 28 CFR Section 16.21 et seq.

6 Those regulations, as I previously told  
7 Mr. Reilly, require that before any current or former  
8 federal employee may disclose documents or give testimony  
9 about matters obtained in his official capacity that he  
10 receive authorization, in this case from the U.S.  
11 Attorney. Mr. Reilly sent me a letter outlining those  
12 areas of testimony, and I replied on November 29th about  
13 those topics for which Mr. Martin has been authorized to  
14 testify.

15 The target of the investigation is beyond the  
16 scope of that request and the authorization. Under those  
17 circumstances, I have to instruct Mr. Martin not to  
18 respond because it's beyond the scope of any  
19 authorization that he's received from the U.S. Attorney.

20 MR. CURRAN: Can we have your response marked  
21 as an exhibit? I don't think it's been shared with  
22 defense, just so we can take a chance to look at it.

23 (Documents marked Exhibit Nos. 209 and 210  
24 for identification.)

1 Q Who gave you the assignment to do the investigation?

2 A The United States Attorney, Wayne Budd.

3 Q What was your assignment?

4 MS. HEALY SMITH: Objection. I have to  
5 instruct him not to answer. The investigation itself,  
6 the assignment, the findings were not the subject of the  
7 Touhy Request and are beyond the scope of the  
8 authorization.

9 MR. REILLY: The request was for the  
10 circumstances surrounding the preparation of the July 10,  
11 1991 press release.

12 MS. HEALY SMITH: The press release, that's  
13 correct, not the investigation but the press release.

14 Q Let me show you what's been marked as Exhibit 208, and  
15 that's a copy of a press release dated July 10, 1991,  
16 correct?

17 A Yes.

18 Q And do you know who wrote this?

19 A I mean ultimately it was the -- I would say it was the --  
20 it was the summary of a number of people's input. But  
21 ultimately I would have to say it's the U.S. Attorney who  
22 is responsible for the preparation of this.

23 Q The U.S. Attorney being Wayne Budd?

24 A Yes.

1 Q Were you involved in being an author of this report in  
2 the sense of actually writing the words that appear in  
3 Exhibit 208?

4 A I definitely contributed to the preparation.

5 Q Were you the primary author of the report?

6 A I honestly don't know how to answer that because I  
7 certainly made a substantial contribution. I couldn't  
8 tell you if it was 30 percent, 55 percent, you know, went  
9 through drafts. I don't know how to answer that,  
10 Mr. Reilly.

11 Q Would it be fair to say the report summarizes the  
12 investigation that you were in charge of?

13 A The report recognizing that it doesn't include 6E  
14 material, so that's an important caveat. I want to make  
15 that --

16 Q Fair enough.

17 A So the report I think it says it's a summary of  
18 witnesses' interviews and non-6E material.

19 Q And is it a fair summary of the investigation you  
20 conducted with the exception of 6E Grand Jury  
21 information?

22 MR. ROACHE: Objection.

23 Q You can answer.

24 A I would say yes.